

## Comments on Humpback Whale Marine Sanctuary Management Plan

From:

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The Hawaiian Humpback Whale Sanctuary has been in existence since the early nineties, but it has never included all the areas used by the whales, nor has the sanctuary itself been set up to enact any rules or regulations designed to protect whales. There has been an extended period of public education through the current sanctuary management, but the time has come to put this education into effect and create a real, fully functional sanctuary designed to do what its name implies and protect Hawaiian coastal waters.

The “new” sanctuary must graduate from being an educational forum to being a real protective entity. There must be changes to the sanctuary boundaries, management and accountability structure, and to the mission of the sanctuary that will enable us to protect whales and other sea life in Hawaiian coastal waters.

The new strategic plan for the sanctuary should address the following recommendations:

1. The plan should begin with a revised a Mission Statement for the Sanctuary that reflects the responsibilities of the Sanctuary as stated in the enabling legislation (16 U.S.C 1431 et. Seq. and subtitle C, title 11, Pub. L. 102-587, 106 Stat. 5005). The plan should then describe each area of responsibility, and describe how the Sanctuary plans to fulfill its mission. (see Attachment A: Mission Statement).
2. There must be a serious discussion of how to expand the Hawaiian Humpback Whale Sanctuary boundaries to include all whale habitat areas, especially around Kaua'i and Ni'ihou. By the end of this management cycle, the Sanctuary should produce a detailed plan of action and provide recommendations on formally changing the Sanctuary boundaries.
3. The Sanctuary should also investigate measures necessary to protect whales in the Northwest Hawai'ian Islands National Monument (NHINM). The management plan should include research on this topic and result in recommendations and a way forward for protecting humpback whales and associated species in Papahānaumokuā'kea.
4. This management plan should include development and implementation of a strategy to create a Marine Protected Area (MPA) on Kaua'i or Ni'ihau, with the objective of preparing a formal proposal for an MPA within the timeframe of this management cycle.
5. The management plan should include an in-depth study, with recommendations and an implementation strategy, to extend the stewardship of the Sanctuary to include other species, to define the resulting ecosystem boundaries and interactions, to monitor land-atmosphere-ocean interactions in these ecosystems, and to regulate human use of the Sanctuary waters.

6. An educational center with a rehabilitation facility is needed on Kaua'i. This management plan should include a task to document all steps necessary to undertake this endeavor, and create an implementation plan for creating this facility, including costing.

7. There must be more regulatory collaboration between land and ocean uses, especially regarding pollution that would affect the Sanctuary. The Sanctuary must take a leading role in fostering this collaboration. The management plan should include an investigation of these issues and a plan to implement closer collaboration between the Sanctuary and other users.

8. The Advisory Board for the Sanctuary must be representative of the entire community. The Advisory Board should be tasked with creating enforceable policies, with rules, and ensuring that funding for the Sanctuary includes effective regulatory oversight. The Sanctuary must have a transparent budget, and be accountable for all spending and funding decisions. The management plan should include a description of the formal role of the Advisory Board, and a strategy for implementing and enforcing policies and responsibilities of the Sanctuary.

9. The current iteration of the Sanctuary management plan describes "emerging" issues that need further study. I strongly disagree that all of these issues are "emerging". Many of those presented are well-known issues that include regulatory policy solutions in other locations. Instead, these issues should be marked as imperative, and the management plan needs to state a way forward for the Sanctuary, not recommend further studies. The following are identified as imperative (not emerging) policies that already cover existing regulatory issues:

- There should be noise limits for all Hawai'ian sanctuary areas, with no exemptions, including military.
- Areas within the Hawai'ian sanctuary must include speed limits with enforcement.
- Designated areas of the Hawaiian Humpback Whale Sanctuary should not be open to commercial or recreational fishing.
- Fishing nets need to be used cautiously in the Hawai'ian sanctuary, with fishermen accountable for retrieving all equipment.
- Pollution from land sources or from aquaculture are not acceptable in the Sanctuary, and must be monitored and regulated.

10. Based on the responsibilities stated in the Mission Statement, and the tasks described above, the Sanctuary Management Plan must also address re-organization and re-direction of personnel and resources to create an operational management structure that can fulfill its duties for all the Hawai'ian Island Sanctuaries.

## Appendix A:

### MISSION STATEMENT FOR THE HUMPBACK WHALE SANCTUARY

The humpback whale relies on Hawaiian waters for wintering habitat where whales engage in reproduction activities, including breeding, calving, and nursing, all necessary to the long-term survival of their species. The Hawaiian Islands Humpback Whale National Marine Sanctuary was designated to provide a sanctuary for humpback whales, with the primary objective of protecting the humpback whale and its habitat. The Sanctuary is tasked with the protection, preservation and management and conservation of this habitat including its ecological, recreational, research, educational, historical, cultural and aesthetic resources. The regulations enacted by Congress (16 U.S.C 1431 et. Seq. and subtitle C, title 11, Pub. L. 102-587, 106 Stat. 5005) specifically task the Sanctuary to work with other existing authorities, such as HINMSA (Hawaiian National Marine Sanctuary Act) and NMSA (National Marine Sanctuary Act), to monitor, supervise and regulate the following activities:

- All public and private use of the Sanctuary plus customary and traditional subsistence use by Hawaiian peoples, including cultural and religious activities;
- Conflict resolution between compatible uses of the Sanctuary, including cultural, recreational, commercial and military activities;
- Maintenance, restoration and enhancement of humpback whales and their habitat to contribute to the health of natural assemblages of humpback whales for future generations;
- Research related to the Sanctuary resources and responsibilities, and;
- Educational outreach concerning the whales and their ecosystem.

The Sanctuary's enabling regulations may also be modified to fulfill additional responsibilities including provision of additional protections for humpback whales and their habitat, and the conservation and management of other marine resources, qualities and ecosystems of the Sanctuary determined to be of national significance.